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JUL 2004
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S)

: TENG, et al.

TITLE

: SYSTEM AND METHOD FOR
AVOIDING DEADLOCK SITUATIONS
DUE TO PSEUDO-DELETED
ENTRIES

APPLICATION NO.

: 09/894,090

FILED

: June 28, 2001

RECEIVED

JUL 09 2004

CONFIRMATION NO.

: 5345

Technology Center 2100

EXAMINER

: Brian D. Goddard

ART UNIT

: 2171

LAST OFFICE ACTION

: January 29, 2004

ATTORNEY DOCKET NO.

: SVL920010011US1
Cleveland, OH 44114
June 29, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby appeal to the Board from a decision of the primary Examiner mailed **January 29, 2004** finally rejecting claims 1, 3-9, 11-13, and 15-18. A First Amendment After Final-Rejection was filed on March 29, 2004. A Second Amendment After Final Rejection was filed on April 29, 2004.

CERTIFICATE OF MAILING

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

- deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.
- deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date
June 29, 2004

Signature
Printed Name
Barbara Brazier

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

other than a small entity \$330.00

3. EXTENSION OF TERM

Applicants hereby petition the Commissioner under 37 C.F.R. §1.136(a) for a two-month extension of time up to and including June 29, 2004 in which to file the accompanying Notice of Appeal. The amount of \$420.00 for the extension fee is to be charged to Deposit Account No. 06-0308. Applicants request any additional extensions of time that may be necessary and authorize the extension of time fees or any deficiency in fees herewith to be charged to Deposit Account No. 06-0308.

4. TOTAL FEES DUE

The total fee due is:

Notice of Appeal Fee: \$330.00

Extension of Time Fee: \$420.00

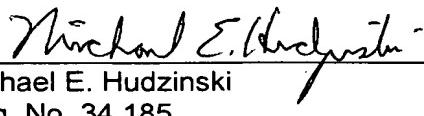
5. FEE PAYMENT

Please charge Deposit Account No. 06-0308 in the amounts \$330.00 and \$420.00.

If any additional extension and/or fee is required this is a request therefor and charge Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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